

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

|                       |   |                            |
|-----------------------|---|----------------------------|
| KYLE BENGSTON,        | ) |                            |
|                       | ) |                            |
| Plaintiff,            | ) |                            |
| v.                    | ) | CASE NO. 3:06-cv-00569-MEF |
|                       | ) |                            |
| DAVID BAZEMORE, O.D., | ) |                            |
|                       | ) |                            |
| Defendant.            | ) |                            |

**ORDER**

It is ORDERED that this case is set for a pretrial hearing, as provided by Fed.R.Civ.P. 16, on March 14, 2008 at 9:00 A.M. in the Chambers of the undersigned, United States Courthouse, One Church Street, A-300, Montgomery, Alabama.

The pretrial hearing will be conducted in consideration of the matters provided for in Rule 16. All parties are expected to have fully complied with this court's Rule 16 order. All parties should prepare and have ready all possible admissions of fact and documents which might avoid unnecessary proof upon trial.

LEAD TRIAL COUNSEL FOR ALL PARTIES MUST BE PRESENT at the time above designated and be fully prepared to state the facts of the case in the most minute detail and to admit all facts that are true. Appropriate penalties will be imposed for failure to comply with these requirements.

All motions WHICH HAVE NOT BEEN OTHERWISE SUBMITTED OR RULED ON will be heard at the above stated time.

The parties are DIRECTED to JOINTLY prepare a proposed pretrial order in accordance with the attached outline. Plaintiff is DIRECTED to e:mail the proposed pretrial order to *propord\_fuller@almd.uscourts.gov* in Word or WordPerfect format, **to be received no later than three business days prior to the pretrial hearing.**

TRIAL TERM COMMENCES: April 28, 2008 in Opelika, Alabama.

DONE this 7th day of February, 2008.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE

## NOTICE TO ATTORNEYS

The proposed pretrial order must be joint, and not piecemeal, and it should be reviewed and approved by all parties BEFORE the pretrial hearing.

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IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
DIVISION

|            |   |                  |
|------------|---|------------------|
|            | ) |                  |
|            | ) |                  |
| Plaintiff, | ) |                  |
|            | ) |                  |
| v.         | ) | CIVIL ACTION NO. |
|            | ) |                  |
|            | ) |                  |
| Defendant. | ) |                  |

### **ORDER ON PRETRIAL HEARING**

A pretrial hearing was held in this case on \_\_\_\_\_, wherein the following proceedings were held and actions taken:

1. PARTIES AND TRIAL COUNSEL:

COUNSEL APPEARING AT PRETRIAL HEARING: (same as trial counsel) or  
(indicate if different) \_\_\_\_\_

2. JURISDICTION AND VENUE:

3. PLEADINGS: The following pleadings and amendments were allowed:

4. CONTENTIONS OF THE PARTIES:

(a) The plaintiff(s)

(b) The defendant(s)

5. STIPULATIONS BY AND BETWEEN THE PARTIES:

**PLEASE LEAVE ORDER UNFINISHED AT THIS POINT FOR COMPLETION BY THE COURT.**